

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUDY SHOTWELL,

Plaintiff,

vs.

REGIONAL WEST MEDICAL
CENTER,

Defendant.

4:14-CV-3210

ORDER

This matter is before the Court on the defendant's motion to amend the progression order, in which it seeks leave to file a supplemental motion for summary judgment (filing [57](#)). That motion will be granted.

On August 30, 2016, this Court entered a Memorandum and Order granting the defendant's summary judgment motion in part, and denying it in part. Filing [51](#). The Court, pursuant to that Memorandum and Order, dismissed the plaintiff's claims for failure to accommodate and disability discrimination. However, the Court permitted the plaintiff to proceed on her claim for retaliation. Filing [51](#) at 10.

The defendant seeks leave to file a supplemental motion for summary judgment to address the plaintiff's remaining claim. The plaintiff objects to the defendant's request, characterizing it as a motion for reconsideration under Fed. R. Civ. P. 60(b), and suggesting that additional briefing will result in undue delay. Filing [60](#) at 2.

The defendant has not filed a motion for reconsideration under Rule 60(b). Instead, it seeks to file a supplemental motion for summary judgment because, as it claims, it "did not expressly address Plaintiff's retaliation claim in its [initial] Motion for Summary Judgment or its Brief in Support of that Motion." Filing [62](#) at 1. Thus, the standards which govern Rule 60(b) are not, as the plaintiff contends, applicable.

The Court finds that the defendant's motion is warranted. Accordingly,

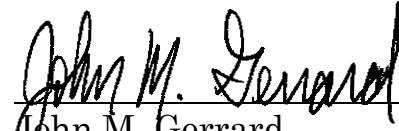
IT IS ORDERED:

1. The defendant's motion (filing [57](#)) is granted.

2. This matter is referred to the Magistrate Judge for case progression.

Dated this 8th day of November, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge